

HOUSE BILL NO. 634

INTRODUCED BY P. WAGMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SCHOOL LAWS; IMPLEMENTING ARTICLE X, SECTION 1(3), OF THE MONTANA CONSTITUTION BY DEFINING "BASIC SYSTEM OF FREE QUALITY PUBLIC ELEMENTARY AND SECONDARY SCHOOLS"; PROVIDING THAT THE ACCREDITATION STANDARDS MUST BE BASED ON THE DEFINITION OF THE BASIC SYSTEM AND MUST BE APPROVED AND FUNDED BY THE LEGISLATURE; PROVIDING THAT THE ACCREDITATION STANDARDS REPRESENT THE MINIMUM REQUIREMENTS THAT EACH SCHOOL IS REQUIRED TO ATTAIN TO PROVIDE EQUALITY OF EDUCATIONAL OPPORTUNITY; AMENDING SECTIONS 20-7-101, 20-7-111, AND 20-9-307, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-7-101, MCA, is amended to read:

"20-7-101. Standards of accreditation. (1) Standards of accreditation for all schools ~~shall~~ must be ~~adopted~~ proposed by the board of public education upon the ~~recommendations~~ recommendation of the superintendent of public instruction and must be adopted by the legislature.

(2) Prior to the adoption or amendment of any accreditation standard, the board shall submit each proposal to the legislature for approval. A proposal rejected or not funded by the legislature may not be implemented by the board.

~~(2)~~(3) Standards for the retention of school records must be as provided in 20-1-212."

Section 2. Section 20-7-111, MCA, is amended to read:

"20-7-111. Instruction in public schools. ~~The~~ (1) Subject to the provisions of 20-7-101, the board of public education shall define and specify the basic instructional program for pupils in public schools, and such the program shall must be set forth in the standards of accreditation as representing the minimum requirements that each school is required to attain in order to provide equality of educational opportunity. In adopting the standards of accreditation, the board shall take into consideration the distinct and unique cultural heritage of American Indians in providing equality of educational opportunities. Other ~~Further~~ instruction in any

1 subject area may be given when approved by the board of trustees.

2 (2) The standards of accreditation must be based on the basic system of free quality public elementary
3 and secondary schools, as defined in 20-9-307."

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5 **Section 3.** Section 20-9-307, MCA, is amended to read:

6 **"20-9-307. Basic system of free quality public elementary and secondary schools defined -- BASE**
7 **funding program -- district general fund budget -- funding sources.** (1) A Pursuant to Article X, section 1(3),
8 of the Montana constitution, the legislature shall provide a basic system of free quality public elementary and
9 secondary schools and high schools must be established and maintained throughout for the state of Montana
10 to provide equality of educational opportunity to all school-age children.

11 (2) As used in this title, a "basic system of free quality public elementary and secondary schools" is one
12 founded upon the following six tenets:

13 (a) learning opportunities for students;

14 (b) locally chosen curricula;

15 (c) competent, effective teachers, staff, and administrators;

16 (d) parental involvement;

17 (e) building facilities or onsite distance learning technologies; and

18 (f) access for all students to building facilities or onsite distance learning technologies.

19 (3) In developing a mechanism for funding the basic system of free quality public elementary and
20 secondary schools, the legislature shall preserve local control guaranteed to local boards of trustees pursuant
21 to Article X, section 8, of the Montana constitution, and shall consider as educationally relevant factors:

22 (a) the number of students in each school district;

23 (b) the needs of isolated schools and school districts with low population density;

24 (c) the needs of urban school districts and school districts with high population density; and

25 (d) the needs of at-risk students, special needs students, and gifted and talented students.

26 (2)(4) The state legislature shall in an equitable manner assess the cost of the basic system of free
27 quality public elementary and secondary schools based on the educationally relevant factors set forth in
28 subsection (3) and shall, in an equitable manner, fund and distribute to the school districts the state's share of
29 the cost of the basic school system of free quality public elementary and secondary schools through BASE aid
30 to support the BASE funding program in the manner established in this title.

1 ~~(3)~~(5) The budgetary vehicle for achieving the financing system established in ~~subsection (2)~~
2 subsections (3) and (4) is the general fund budget of the school district. The purpose of the district general fund
3 budget is to finance those instructional, administrative, facility maintenance, and other operational costs of a
4 district not financed by other funds established for special purposes in this title.

5 ~~(4)~~(6) The BASE funding program for the districts in the state is financed by a combination of the
6 following sources:

7 (a) county equalization money, as provided in 20-9-331 and 20-9-333;

8 (b) state equalization aid, as provided in 20-9-343, including guaranteed tax base aid for eligible districts
9 as provided in 20-9-366 through 20-9-369;

10 (c) appropriations for special education;

11 (d) a district levy, as provided in 20-9-303, for support of a school not approved as an isolated school
12 under the provisions of 20-9-302; and

13 (e) district levies or other revenue, as provided by 20-9-308 and 20-9-353.

14 (7) Every 10 years following [the effective date of this act], the legislature may:

15 (a) authorize a study to reassess the educational needs and costs related to the basic system of free
16 quality public elementary and secondary schools; and

17 (b) if necessary, incorporate the results of those assessments into the state's funding formula."
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19 NEW SECTION. Section 4. Effective date -- applicability. [This act] is effective on passage and
20 approval and applies to school budgets for school fiscal years beginning on or after July 1, 2006.

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